

PROVIDENCE CITY COUNCIL MEETING AGENDA - AMENDED

January 13, 2015 6:00 p.m.

15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood

Roll Call of City Council Members: Mayor Calderwood

Pledge of Allegiance:

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes December 9, 2014 City Council meeting.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Item No. 1. Resolution No. 001-2015. The Providence City Council will consider for adoption a resolution appointing Mary Hubbard to the Providence City Appeal Authority.

Item No. 2. CLG Grant Proposal. The Providence City Council will consider a proposal from the Providence City Historic Preservation Commission to apply for a 2015 Certified Local Government (CLG) grant.

Item No. 3. Ordinance No. 2015-001. The Providence City Council will consider for adoption an ordinance amending the Providence City zoning district(s) and zoning map by changing the zone of a 2.03 (+/-) acre parcel located generally at 196 west 100 north from Single-Family Traditional (SFT) to Commercial.

Item No. 4. Ordinance No. 009-2014. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 3 Chapter 7 Alcohol License and Regulations to clarify it is the burden of the applicant to comply with state code.

Item No. 5. Ordinance No. 2015-002. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 1 Administration Chapter 6 Mayor and Council.

Item No. 6. Ordinance No. 2015-003. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 4 Chapter 1 Nuisances including but not limited to adding: Words, Terms, and Phrases; amending Duty of Maintenance of Private Property by adding requirements regarding ditches, waterways, and compost piles; amending Storage of Personal Property by adding: outdoor furniture restrictions, and unsheltered inoperable motor vehicle restrictions.

Item No. 7. Ordinance No. 2015-004. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 3 Business and License Regulation Chapter 1 General

~~License Provisions Section 3 Business License Required; Penalty by changing the penalty for failure to obtain a business license.~~ This item is being pulled from the agenda.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c).

Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-205(1) (a).

Agenda posted the 8 day of January 2015.

Amended agenda posted the 12 day of January 2015.



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

1 **PROVIDENCE CITY COUNCIL MEETING**

2 **December 9, 2014 6:00 p.m.**

3 **15 South Main, Providence UT**

4
5 Call to Order: Mayor Calderwood
6 Roll Call of City Council Members: Mayor Calderwood
7 Attendance: Bill Bagley, Jeff Baldwin, Ralph Call, John Drew, John Russell
8 Pledge of Allegiance: Mayor Calderwood
9

10 **Approval of the minutes**

11 **Item No. 1.** The Providence City Council will consider approval of the minutes November 11, 2014 City
12 Council meeting.

13 **Motion to approve the minutes of November 11, 2014 with the following corrections: R Call, second –**
14 **J Russell**

- 15 • Page 2, line 35 – they will be in house
- 16 • Page 2, line 19 – question is are we fixing roads faster than they are deteriorating
- 17 • Page 3, line 2 and 3 – Holiday Home Decorating competition.
- 18 • Page 3, line 5 – council member J Drew and the Mayor
- 19 • Page 3, line 13 – Logan City has full veto power over rate setting board.

20 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

21 **Nay: None**

22 **Abstained: None**

23 **Excused: None**
24

25 **Public Comments:** Citizens may appear before the City Council to express their views on issues within
26 the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per
27 person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it
28 arose subsequent to the posting of this agenda and the City Council determines that an emergency
29 exists.

- 30 • Dave Low – said Providence City has been prospered by the hand of God. Three years ago a
31 decision was made to not pray before city meetings. Recently the Supreme Court ruled it
32 constitutional to pray before public meetings and he asked if the city would reconsider before
33 meetings once again. He suggests residents of all denominations be invited to offer the prayers
34 at meetings and feels this would greatly benefit the community.
- 35 • This will come before the Council as a Resolution at the next meeting in January 2015. The city
36 attorney will be contacted for legal recommendations.
37

38 **Public Hearing (6:10) p.m.** The purpose of the public hearing is to provide an opportunity for anyone
39 interested to comment on the proposed budget adjustments for Fiscal Year 2015 for all funds before
40 action is taken. The City Council invites you to attend the hearing in order to offer your
41 comments/suggestions.

42 **Motion to open public hearing: J Russell, second – J Baldwin**

43 **Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell**

44 **Nay: None**

45 **Abstained: None**

46 **Excused: None**

- 47 • S Bankhead reviewed proposed budget adjustments for fiscal year 2015 and clarified questions
48 the council had.

1 Motion to close public hearing: R Call, second – B Bagley

2 Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

3 Nay: None

4 Abstained: None

5 Excused: None

6
7 **Business Items:**

8 **Item No. 1. Resolution 039-2014:** The Providence City Council will consider for approval a resolution
9 approving adjustments to the budgets for Fiscal Year 2015 for all funds.

10 **Motion to adopt Resolution 039-2014: J Russell, second – J Drew**

11 Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

12 Nay: None

13 Abstained: None

14 Excused: None

15
16 **Item No. 2. Resolution 038-2014:** The Providence City Council will consider for approval a resolution
17 rewriting the Moderate Income Housing Element of the Providence City General Plan.

18 **Motion to approve Resolution 038-2014: J Baldwin, second – B Bagley**

- 19 • J Baldwin reviewed his rewrite of the resolution which was condensed down to basic language
20 that includes key concepts which were discussed at last city council meeting. This simplification
21 will allow the council to adopt the resolution without being tied down to specific restrictions.
- 22 • B Bagley asked if it still meets the requirements for moderate income housing. J Baldwin felt it
23 did.
- 24 • J Drew asked about the way the resolution is written. S Bankhead clarified that it is a policy, not
25 an ordinance.
- 26 • B Bagley asked about the 5 year review. S Bankhead said this element of the general plan needs
27 to be reviewed every 2 years. B Bagley would like a notation in the policy that this portion be
28 reviewed every 2 years.
- 29 • R Call asked if the first paragraph meets the requirements, thus eliminating the need for the rest
30 of the policy.
- 31 • B Bagley said he would still like to see the statement about a review every 2 years.
- 32 • S Bankhead said she needs to send this to the state, but 1.0 is a good summary and if a review is
33 needed in the future it can be done. All documentation provided by BRAG (demographics) will
34 be kept and then the line items can be dropped, keeping the 1.0 paragraph. The city does get
35 requests for accessory dwelling units, but that is covered in this policy statement.

36 **Motion to approve Moderate Income Housing Element draft to include the demographics provided by**
37 **BRAG, include the 1.0 paragraph and the statement to review every 2 years. J Baldwin, second – R Call**

38 Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

39 Nay: None

40 Abstained: None

41 Excused: None

- 42 • R Call had a question about Airbnb and asked S Bankhead to look into that business.

43
44 **Item No. 3. Ordinance No. 008-2014.** The Providence City Council will consider for adoption an
45 ordinance amending Providence City Code Title 5 Chapter 1 Animal Control by adding "5-1-20:3.
46 *Drinking water source protection. See Title 8 Chapter 1A of this Code for additional regulations.*"

47 **Motion to adopt Ordinance No. 008-2014: J Baldwin, second – R Call**

- 48 • S Bankhead said this is not a new ordinance, but the DRC felt it needed to be duplicated in Title

5 Chapter 1, where people who may be considering keeping large animals can see it.

- R Eck reviewed source protection zones and why this needs to be added to the city code in Title 5 Chapter 1. These zones have restrictions on how many cattle can be pastured in the protected zones. The state is only concerned with the areas that are delineated.
- J Baldwin asked if the city has any instrumentation that protects our wells from deliberate contamination.
- R Eck said samples are taken and the wells all have built in security systems.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Item No. 4. Ordinance No. 009-2014. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 3 Chapter 7 Alcohol License and Regulations to clarify it is the burden of the applicant to comply with state code.

Motion to adopt Ordinance No. 009-2014: J Baldwin, second – J Russell

- S Bankhead said this was brought about by a commercial business that wants to add alcohol sales to their restaurant. This clarifies that the proprietor is responsible for complying with State and Federal Regulations regarding the license.
- J Russell asked if the city is more restrictive than state code. S Bankhead said we follow the state code, it is the same.
- J Baldwin asked about alcohol restriction in the city parks. S Bankhead said it is prohibited, but this addresses sales of alcohol, not consumption.
- R Call suggested not granting any more alcohol licenses. Macy's could sell beer, but not other alcohol. He feels alcohol does not benefit the community.
- J Baldwin felt we should not restrict alcohol sales.
- R Eck also commented that if we restrict alcohol sales, it could prevent Providence City from attracting restaurants and micro-breweries that may want to locate to the city.
- R Call suggests making our ordinance stricter than state code.
- J Baldwin and J Russell felt this needed to be continued before they could make a decision. They would like time to review the state code.

Motion to continue in order to review state code: J Baldwin, second – J Drew

- J Russell said if it is continued the entire ordinance needs to be reviewed.
- S Bankhead said this could affect Macey's liquor sales and suggested having John Call come to the next meeting to review state code and answer questions.

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Staff Reports: Items presented by Providence City Staff will be presented as information only.

R Eck:

- J Baldwin had a question about a fill valve on a well. R Eck said it needs to be replaced.
- R Call asked about additional lighting at the roundabout.
- R Eck said he gets a lot of complaints from citizens about the roundabout not being visible at night. He suggested adding LED stop signs. They are expensive, (\$1,200/light) but make visibility much better. R Call liked the idea of lighting the signs.

- B Bagley asked about rope LED around the entire barrier.
- R Eck felt that might be too distracting.
- J Russell asked how many accidents have occurred at the roundabout. R Eck said four, and those four were impaired drivers. J Russell suggested that no matter what the city does, it won't be enough to help impaired drivers.
- D Calderwood likes the roundabout the way it is.
- R Call suggested that besides impaired drivers, there could also be concerns for non-local drivers who are not familiar with the area. Lighting the signs would provide warnings.
- J Baldwin liked the idea of lighted signs, but not lighting the entire roundabout boundary.

S Bankhead:

- Verizon wants to move forward with their project. They are firm on their dollar amount, but there is room for negotiation on what improvements will be required from them. Skarlet asked the council to think about what they would like to negotiate.
- R Call asked about an escalation clause. S Bankhead said it is every 5 years.
- The council agreed to have Skarlet move forward with the land lease template.
- S Bankhead said the council also needs to approve expenditures and it hasn't been done in a very long time. The auditors said it needs to be done by the Council rather than the finance officer. That power cannot be totally delegated away.
- S Bankhead reviewed the following reports:
 - Invoice register: Detailed account of what is paid each month for the council to review. This will be a monthly review.
 - Audit Report: Final will be out prior to the end of the year. Draft should be in-house this Friday or early next week.
 - Financial Report: Reconciliations are not complete for this month. Budget expenditures have been emailed out. Cash accounts will be emailed next week.
- She wished council members a Merry Christmas and thanked them for the Thanksgiving gift cards and the Christmas gift cards and for the council allowing that in the budget. Some people donated their cards to charity, which is a good practice and went to a good cause.
- J Drew asked about the two entries for Logan City. S Bankhead said solid waste used to go through Cache County Service Area, now it all goes through Logan City. We get a bill for waste water treatment and for solid waste treatment.

Mayor Calderwood – commented briefly on the inter-local agreement and Logan's fee schedule.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- J Baldwin – no further comment or report.
- J Russell – holiday lights contest will be judged by three local businesses.
- R Call – no further comment or report.
- J Drew – He, Mayor and Skarlet attended a meeting last week with the six cities interested in the inter-local agreement. Hiring an attorney experienced with waste water contracts to represent the group was discussed and well received.
- D Calderwood further commented on the meeting and hiring an attorney. He feels the six cities are working well together and are very organized.
- B Bagley – Tax revenues were up a bit last month. City wide alert system – he would like to see more studies done to see if it is viable for Providence. If the cost is as low as indicated, he would like the city to look in to that. He asked about Tractor Supply. Randy reported they are moving along, the good weather has been beneficial for their schedule.

- Mayor Calderwood – reported on a complaint he received from a concerned citizen regarding the streets in Providence. He and J Baldwin will respond to her concern. He attended Blacksmith Fork annual shareholders meeting went well, discussion concerning storm water.
- Doing more research on Cache Valley Transit District financial decisions. The council will review.
- Spring Creek Water Company –Mayor briefly reviewed history of what is going on with the water company and the agreement.
- R Call feels some board members want to confiscate the city's shares.
- D Calderwood said there are two new board members and hoped that would benefit Providence. The Board has 120 days to respond to the current agreement submission.

Motion to enter executive session: J Russell, second – J Drew

Vote: Yea: B Bagley, J Baldwin, R Call, J Drew, J Russell

Nay: None

Abstained: None

Excused: None

Meeting adjourned at 8:00 pm.

Minutes recorded by S Bankhead and prepared by C Craven.

Don W. Calderwood, Mayor

Skarlet Bankhead, City Administrator

Resolution 001-2015

A RESOLUTION APPOINTING MARY HUBBARD AS A MEMBER OF THE APPEAL AUTHORITY

WHEREAS Providence City Code 2-5-2 states: The mayor shall appoint three members to the Appeal Authority; 2 being residents of Providence City, one a professional that may or may not be a resident of Providence City and may be shared with other communities, with the advice and consent of the City Council. . .

WHEREAS Ryan Leonhardt has resigned as a member of the Appeal Authority;

WHEREAS Mayor Calderwood has discussed the open position with Mary Hubbard; and

WHEREAS Mayor Calderwood recommends the City Council appoint Mary Hubbard to the Providence City Appeal Authority.

THEREFORE be it resolved by the Providence City Council:

- Mary Hubbard shall be appointed as a member of the Providence City Appeal Authority.
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 13 day of January, 2015.

Council Vote:

Bagley, Bill	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Call, Ralph	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

Ordinance No. 2015-001

AN ORDINANCE AMENDING THE PROVIDENCE CITY ZONING DISTRICT(S) AND ZONING MAP BY CHANGING THE ZONE OF A 2.03 (+/-) ACRE PARCEL LOCATED GENERALLY AT 196 WEST 100 NORTH FROM SINGLE-FAMILY TRADITIONAL (SFT) TO COMMERCIAL

WHEREAS on October 9, 2014, Carol Fae Jensen Wilde filed an application, (on behalf of Carol Fae Jensen Wilde and Donald Howard Jensen, owners) requesting the SFT Zone be changed to Commercial for a 2.03 acre (+/-) parcel located at 196 West 100 North.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

1. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.

- Planning Commission studied the proposed amendment and held a public hearing on December 10, 2014 prior to making the following recommendation:

Motion to recommend City Council deny the request for a rezone at this time based on not being part of master plan, not in harmony with residential community: S Sanders, second – K Allen

<i>Vote:</i>	<i>Yea:</i>	<i>K Allen, L Hogge, G Millburn, L Raymond, S Sanders</i>
	<i>Nay:</i>	<i>None</i>
	<i>Abstained:</i>	<i>None</i>
	<i>Excused:</i>	<i>None</i>

WHEREAS the City Council considered the following:

Findings of Fact:

- Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
- Providence City Master Plan Sheet No. 5-B is a map of Future Re-Zone of Existing Districts. This map is the plan for future re-zoning of existing districts within the Providence City Corporate limits as of June 2001.
- UCA § 10-9a-503(1) states “The legislative body may amend: (a) the number, shape, boundaries, or area of any zoning district; (b) any regulations of or within the zoning district; or (c) any other provision of a land use ordinance.
- UCA § 10-9a-505(1)(a) The legislative body may divide the territory over which it has jurisdiction into zoning districts of a number, shape, and area that it considers appropriate to carry out the purposes of this chapter.

- 1 ○ UCA § 10-9a-505(3)(a) There is no minimum area or diversity of ownership
2 requirement for a zone designation. (b) Neither the size of a zoning district nor
3 the number of landowners within the district may be used as evidence of the
4 illegality of a zoning district or of the invalidity of a municipal decision.

5 Conclusions of Law:

- 6 ○ The proposed zone change complies with the Findings of Fact listed above with
7 the exception of:
8 ○ The proposed zone change is not consistent with Providence City Master Plan
9 Sheet No. 5-B is a map of Future Re-Zone of Existing Districts.

10 Conditions:

- 11 ○ None

12
13 THEREFORE be it ordained by the Providence City Council

- 14 • The rezone request filed by Carol Fae Jensen Wilde, (on behalf of Carol Fae Jensen Wilde
15 and Donald Howard Jensen, owners) requesting the SFT Zone be changed to
16 Commercial for a 2.03 acre (+/-) parcel located at 196 West 100 North shall be approved
17 based on the findings of fact, conclusions of law, and conditions listed above.
18 • This ordinance shall become effective immediately upon passage and posting.

19
20 Ordinance adopted by vote of the Providence City Council this 13 day of January 2015.

21
22 Council Vote:

23
24 Bagley, Bill () Yes () No () Excused () Abstained () Absent
25 Baldwin, Jeff () Yes () No () Excused () Abstained () Absent
26 Call, Ralph () Yes () No () Excused () Abstained () Absent
27 Drew, John () Yes () No () Excused () Abstained () Absent
28 Russell, John () Yes () No () Excused () Abstained () Absent

29
30 Signed by Mayor Don W Calderwood this day of 2015.

31
32 Providence City

33
34 _____
35 Don W. Calderwood, Mayor

36
37 Attest:

38 _____
39 Skarlet Bankhead, Recorder
40
41

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council

Annexation	Exception to Title	<u>Rezone</u>
Code Amendment	Final Plat	Right-of-way Vacation
Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	

Appeal Authority

Appeal	Variance
--------	----------

**PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES.
THESE WILL BE BILLED SEPARATELY.**

Applicant's Name:	Carol Fae Jensen Wilde		
Address:	2879 Virginia Way Ogden, UT 84403		
Phone(s):	801-343-8331	Fax:	E-Mail: Burt W 53@msn.com

Party Responsible for Payment:	Same as above		
Billing Address:			
Phone(s):	Fax:	E-Mail:	

Property Owner's Name (how it appears on a legal document):	Carol Fae Jensen Wilde and Donald Howard Jensen		
Address:	3303 S 1000 W Syracuse UT 84075		
Phone(s):	801-343-8331	Fax:	E-Mail:

Architect/Engineer/Surveyor's Name:			
Address:			
Phone(s):	Fax:	E-Mail:	

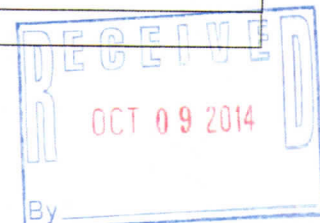
Cache County Property Number(s):	02 043 0025		
Total Acreage:	3.3	Project Name:	
City Address of Project (if applicable):	196 W. 0100 N Providence, UT		

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant: Carol Fae Jensen Wilde Date: 7 October 2014
Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:



September 12, 2014

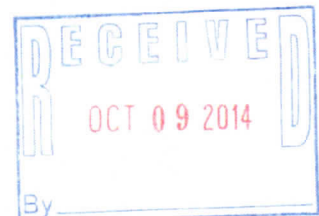
Dear Providence City Planning Commission and City Council,

We, the owners of the addressed property in Providence, Utah, grant permission for the said property to be rezoned.

The purpose of the rezoning from residential to commercial is to increase the value of the property.

Sincerely,

Donald H. Jensen
Carol Fae Jensen Wilde



Cache County Corporation Tax Roll Information

Monday, August 11, 2014 11:52 AM

02-093-0028

Owner's Name & Address

Parcel **02-093-0028** Entry **1049392**
 Name **WILDE, CAROL FAE JENSEN**
 C/O Name
 Address **3303 S 1000 W**

 City, ST Zip **SYRACUSE, UT 84075-8961**
 District **009 PROVIDENCE CITY**
 Year **2014** Status **TX**

Owners List

1 WILDE, CAROL FAE JENSEN
1049392 1679/818
2 JENSEN, DONALD HOWARD
1049392 1679/818

Property Address

Address **196 W 0100 N**
 City **PROVIDENCE**
 Tax Rate **0.011715** (Tax Rate Proposed For 2014)

LEGAL DESCRIPTION FOR 2014

ALL OF LOT 4 & THE N/2 LOT 3 BLK 15 PLAT A PROVIDENCE CITY SVY IN NE/4 SEC 10 T 11N R 1E CONT 2.025 AC

PROPERTY INFORMATION

Property Type		2013		2014			
		Acres	Market	Taxable	Acres	Market	Taxable
BA	BUILDING AGRICULTURE		10,000	10,000		10,000	10,000
BR	BUILDING RESIDENTIAL		96,700	53,185		96,700	53,185
LA	LAND AGRICULTURE	1.03	30,900	30,900	1.03	30,900	30,900
LR	LAND RESIDENTIAL	1.00	80,000	44,000	1.00	80,000	44,000
PROPERTY VALUE TOTALS:		2.03	217,600	138,085	2.03	217,600	138,085

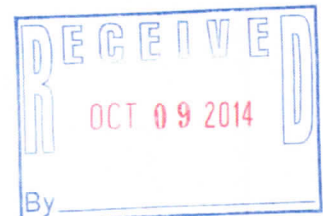
BUILDING & TAX INFORMATION

Square Footage: 1,723	2013 Taxes:	1,486.62	(Certified Rate: 0.010766)
Year Built: 1904	2014 Taxes:	1,617.67	(Proposed Rate: 0.011715)
Building Type: SFR	Special Tax: +	0.00	
	Abatements: -	0.00	
	Payments: -	0.00	
	2014 Balance Due:	1,617.67	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer



Cache County Corporation
Tax Roll Information

Wednesday, August 13, 2014 1:45 PM

02-093-0027

Owner's Name & Address		Owners List
Parcel	02-093-0027	Entry 1028973
Name	CROCKETT, CURTIS & ALESE	
C/O Name		
Address	42 N 200 W	
City, ST Zip	PROVIDENCE, UT 84332-9716	
District	009 PROVIDENCE CITY	
Year	2014	Status TX
Property Address		
Address 42 N 0200 W		
City PROVIDENCE		
Tax Rate 0.011715 (Tax Rate Proposed For 2014)		
1 CROCKETT, CURTIS & ALESE 1028973 1636/914		

LEGAL DESCRIPTION FOR 2014

THE S/2 OF LT 3 BLK 15 PLT A PROVIDENCE CITY SVY CONT 0.68 AC

PROPERTY INFORMATION

		2013		2014	
Property Type		Acres	Market	Acres	Market
BR	BUILDING RESIDENTIAL		64,258		64,258
LR	LAND RESIDENTIAL		35,340		35,340
	PROPERTY VALUE TOTALS:	.68	64,000	.68	64,000
		.68	128,258	.68	128,258
			70,540		70,540

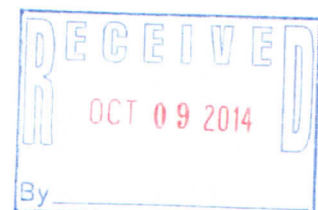
BUILDING & TAX INFORMATION

Square Footage:	1,045	2013 Taxes:	759.43	(Certified Rate: 0.010766)
Year Built:	1974	2014 Taxes:	826.38	(Proposed Rate: 0.011715)
Building Type:	SFR	Special Tax:	+	0.00
		Abatements:	-	0.00
		Payments:	-	595.00
		2014 Balance Due:	231.38	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer



Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:44 PM

02-093-0032

Owner's Name & Address	
Parcel	02-093-0032 Entry 631700
Name	EVERTON, STEPHEN & SHEILA
C/O Name	
Address	47 N 100 W
City, ST Zip	PROVIDENCE, UT 84332-9714
District	009 PROVIDENCE CITY
Year	2014 Status TX
Property Address	
Address	47 N 0100 W
City	PROVIDENCE
Tax Rate	0.011715 (Tax Rate Proposed For 2014)

Owners List	
1	EVERTON, STEPHEN & SHEILA
631700	678/1021

LEGAL DESCRIPTION FOR 2014

S/2 OF LOT 6 BLK 15 PLT A PROVIDENCE TOWN SVY IN NE/4 SEC 10 T 11N R 1E

PROPERTY INFORMATION

Property Type	Acres	2013 Market	2013 Taxable	Acres	2014 Market	2014 Taxable
BA BUILDING AGRICULTURE		754	755		754	755
BR BUILDING RESIDENTIAL		108,000	59,400		108,000	59,400
LR LAND RESIDENTIAL	.68	64,000	35,200	.68	64,000	35,200
PROPERTY VALUE TOTALS:	.68	172,754	95,355	.68	172,754	95,355

BUILDING & TAX INFORMATION

Square Footage: 1,899	2013 Taxes:	1,026.59	(Certified Rate: 0.010766)
Year Built: 1932	2014 Taxes:	1,117.08	(Proposed Rate: 0.011715)
Building Type: SFR	Special Tax: +	0.00	
	Abatements: -	0.00	
	Payments: -	460.00	
	2014 Balance Due:	657.08	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation
Tax Roll Information

Wednesday, August 13, 2014 1:44 PM

02-093-0031

Owner's Name & Address	
Parcel	02-093-0031 Entry 1058284
Name	JENSEN, DONALD H & CINDEE A
C/O Name	
Address	3303 S 1000 W
City, ST Zip	SYRACUSE, UT 84075-8961
District	009 PROVIDENCE CITY
Year	2014 Status TX
Property Address	
Address	
City	
Tax Rate	0.011715 (Tax Rate Proposed For 2014)

Owners List	
1	JENSEN, DONALD H & CINDEE A
	1058284 1699/1176

LEGAL DESCRIPTION FOR 2014

THE N/2 OF LOT 6 BLK 15 PLAT A PROVIDENCE TOWN SVY NE/4 SEC 10 T 11N R 1E

PROPERTY INFORMATION

Property Type	Acres	2013 Market	Taxable	Acres	2014 Market	Taxable
LV LAND VACANT	.68	64,000	64,000	.68	64,000	64,000

BUILDING TAX INFORMATION

2013 Taxes:	689.02	(Certified Rate: 0.010766)
2014 Taxes:	749.76	(Proposed Rate: 0.011715)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2014 Balance Due:	749.76	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:44 PM

02-093-0047

Owner's Name & Address	
Parcel Name	02-093-0047 Entry
C/O Name	
Address	P.O. BOX 13
City, ST Zip	PROVIDENCE, UT 84332-0013
District	009 PROVIDENCE CITY
Year	2014 Status TX
Property Address	
Address	140 W 0100 N
City	PROVIDENCE
Tax Rate	0.011715 (Tax Rate Proposed For 2014)

Owners List
1 HANSON, WILFORD JOSEPH

PARCEL HISTORY

PT 02-093-0029 8/06;

LEGAL DESCRIPTION FOR 2014

LOT 2 WILFORD HANSON SUBD CONT 0.53 AC
SIT LOT 5 BLK 15 PLAT A PROVIDENCE CITY SVY

PROPERTY INFORMATION

Property Type	Acres	2013 Market	2013 Taxable	2014 Market	2014 Taxable
BR BUILDING RESIDENTIAL		166,588	91,625	166,588	91,625
LR LAND RESIDENTIAL	.53	56,500	31,075	56,500	31,075
PROPERTY VALUE TOTALS:	.53	223,088	122,700	223,088	122,700

BUILDING TAX INFORMATION

Square Footage:	1,873	2013 Taxes:	1,320.99	(Certified Rate: 0.010766)
Year Built:	1971	2014 Taxes:	1,437.43	(Proposed Rate: 0.011715)
Building Type:	SFR	Special Tax:	+	0.00
		Abatements:	-	0.00
		Payments:	-	0.00
		2014 Balance Due:	1,437.43	

BACKTAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

**Cache County Corporation
Tax Roll Information**

Wednesday, August 13, 2014 1:43 PM

02-093-0043

Owner's Name & Address		Owners List
Parcel	02-093-0043 Entry 1094349	<div style="border: 1px solid black; padding: 5px;"> 1 RICKS, EDWARD 1094349 1783/1433 </div>
Name	RICKS, EDWARD	
C/O Name		
Address	195 W 100 N	
City, ST Zip	PROVIDENCE, UT 84332-9715	
District	009 PROVIDENCE CITY	
Year	2014 Status TX	
Property Address		
<div style="border: 1px solid black; padding: 5px;"> Address City Tax Rate 0.011715 (Tax Rate Proposed For 2014) </div>		

PARCEL HISTORY

PT 02-093-0004,0005 & 02-091-0016 2/94;

LEGAL DESCRIPTION FOR 2014

BEG W 333.94 FT FROM SE COR LT 2 BLK 16 PLT A PROVIDENCE CITY SVY & TH W 90 FT TH N 123 FT TH E 90 FT TH S 123 FT TO BEG CONT 0.25 AC

PROPERTY INFORMATION

Property Type		2013		2014	
LV	LAND VACANT	Acres	Market Taxable	Acres	Market Taxable
		.25	45,000 45,000	.25	45,000 45,000

BUILDING & TAX INFORMATION

2013 Taxes:	484.47	(Certified Rate: 0.010766)
2014 Taxes:	527.18	(Proposed Rate: 0.011715)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2014 Balance Due:	<u>527.18</u>	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:42 PM

02-093-0005

Owner's Name & Address	
Parcel	02-093-0005 Entry 1094349
Name	RICKS, EDWARD
C/O Name	
Address	195 W 100 N
City, ST Zip	PROVIDENCE, UT 84332-9715
District	009 PROVIDENCE CITY
Year	2014 Status TX

Owners List	
1 RICKS, EDWARD	
1094349	1783/1433

Property Address	
Address	195 W 0100 N
City	PROVIDENCE
Tax Rate	0.011715 (Tax Rate Proposed For 2014)

PARCEL HISTORY
COMB W/PT 0004 2/94; REM 2/94-0042,0043;

LEGAL DESCRIPTION FOR 2014
BEG W 183.45 FT FROM SE COR LT 2 BLK 16 PLT A PROVIDENCE CITY SVY & TH W ALG N LN OF 100 N ST
150.49 FT TH N 158.5 FT TH E 154.55 FT TH S 1°28' W 158.55 FT TO BEG CONT 0.55 AC

PROPERTY INFORMATION							
	Property Type	Acres	2013 Market	Taxable	Acres	2014 Market	Taxable
BR	BUILDING RESIDENTIAL		133,594	73,475		133,594	73,475
LR	LAND RESIDENTIAL	.55	57,500	31,625	.55	57,500	31,625
PROPERTY VALUE TOTALS:		.55	191,094	105,100	.55	191,094	105,100

BUILDING & TAX INFORMATION			
Square Footage:	1,320	2013 Taxes:	1,131.51 (Certified Rate: 0.010766)
Year Built:	1974	2014 Taxes:	1,231.25 (Proposed Rate: 0.011715)
Building Type:	SFR	Special Tax:	+
		Abatements:	-
		Payments:	-
		2014 Balance Due:	1,231.25

BACK TAX SUMMARY
NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:42 PM

02-093-0039

Owner's Name & Address	
Parcel	02-093-0039 Entry 1105293
Name	YOUNG, ASHTON MARK & MEGHAN MI
C/O Name	
Address	173 W 100 N
City, ST Zip	PROVIDENCE, UT 84332
District	009 PROVIDENCE CITY
Year	2014 Status TX

Owners List	
1	YOUNG, ASHTON MARK & MEGHAN MICHELLE
	1105293 1805/1018

Property Address	
Address	173 W 0100 N
City	PROVIDENCE
Tax Rate	0.011715 (Tax Rate Proposed For 2014)

PARCEL HISTORY

PT 02-093-0004; PT THIS, REM TO 0044 7/99;

LEGAL DESCRIPTION FOR 2014

LOT 2 BENTZ MINOR SUBD CONT 0.51 AC

PROPERTY INFORMATION

	Property Type	Acres	2013 Market	Taxable	Acres	2014 Market	Taxable
BR	BUILDING RESIDENTIAL		142,200	78,210		142,200	78,210
LR	LAND RESIDENTIAL	.51	55,500	30,525	.51	55,500	30,525
	PROPERTY VALUE TOTALS:	.51	197,700	108,735	.51	197,700	108,735

BUILDING & TAX INFORMATION

Square Footage:	2,441	2013 Taxes:	1,170.64	(Certified Rate: 0.010786)
Year Built:	1909	2014 Taxes:	1,273.83	(Proposed Rate: 0.011715)
Building Type:	SFR	Special Tax:	+	0.00
		Abatements:	-	0.00
		Payments:	-	0.00
		2014 Balance Due:	1,273.83	

BACK TAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:42 PM

02-093-0044

Owner's Name & Address		Owners List
Parcel	02-093-0044 Entry 1037568	1 HANSEN, SCOTT D & HEATHER TRS 1037568 1655/1665
Name	HANSEN, SCOTT D & HEATHER TRS	
C/O Name		
Address	169 W 100 N	
City, ST Zip	PROVIDENCE, UT 84332-9715	
District	009 PROVIDENCE CITY	
Year	2014 Status TX	
Property Address		
Address 169 W 0100 N		
City PROVIDENCE		
Tax Rate 0.011715 (Tax Rate Proposed For 2014)		

PT 02-093-0039 7/99;

LEGAL DESCRIPTION FOR 2014
LOT 1 BENTZ MINOR SUBD CONT 0.51 AC

PROPERTY INFORMATION							
Property Type	Acres	2013 Market	2013 Taxable	Acres	2014 Market	2014 Taxable	
BR BUILDING RESIDENTIAL		174,420	95,930		174,420	95,930	
BS BUILDING SECONDARY		16,245	16,245		16,245	16,245	
LR LAND RESIDENTIAL	.51	55,500	30,525	.51	55,500	30,525	
PROPERTY VALUE TOTALS:	.51	246,165	142,700	.51	246,165	142,700	

BUILDING & TAX INFORMATION							
Square Footage: 2,800	2013 Taxes:	1,536.31	(Certified Rate: 0.010766)				
Year Built: 2001	2014 Taxes:	1,671.73	(Proposed Rate: 0.011715)				
Building Type: SFR	Special Tax: +	0.00					
	Abatements: -	0.00					
	Payments: -	0.00					
	2014 Balance Due:	1,671.73					

BACK TAX SUMMARY
NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:41 PM

02-093-0003

Owner's Name & Address		Owners List	
Parcel	02-093-0003 Entry 909519	1 RAWLINS, RODNEY M	
Name	RAWLINS, RODNEY M	909519	1391/1598
C/O Name			
Address	143 W 100 N		
City, ST Zip	PROVIDENCE, UT 84332-9715		
District	009 PROVIDENCE CITY		
Year	2014 Status TX		
Property Address			
Address 143 W 0100 N			
City PROVIDENCE			
Tax Rate 0.011715 (Tax Rate Proposed For 2014)			

LEGAL DESCRIPTION FOR 2014

BEG AT SW COR LOT 1 BLK 16 PLAT A PROVIDENCE TOWN SVY, E 70 FT N 150 FT W 70 FT S 150 FT TO BEG LOCATED IN NE/4 SEC 10 T 11N R 1E B560A

PROPERTY INFORMATION

	Property Type	Acres	2013		Acres	2014	
			Market	Taxable		Market	Taxable
BR	BUILDING RESIDENTIAL		73,391	40,365		75,800	41,690
LR	LAND RESIDENTIAL	.24	45,000	24,750	.24	45,000	24,750
PROPERTY VALUE TOTALS:			.24	118,391	65,115	.24	120,800
							66,440

BUILDING & TAX INFORMATION

Square Footage:	1,166	2013 Taxes:	701.03	(Certified Rate: 0.010766)
Year Built:	1960	2014 Taxes:	778.34	(Proposed Rate: 0.011715)
Building Type:	SFR	Special Tax:	+	0.00
		Abatements:	-	0.00
		Payments:	-	0.00
		2014 Balance Due:	778.34	

BACKTAX SUMMARY

NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

Cache County Corporation Tax Roll Information

Wednesday, August 13, 2014 1:41 PM

02-096-0056

Owner's Name & Address	
Parcel	02-096-0056 Entry 100000
Name	PROVIDENCE CITY CORP,
C/O Name	
Address	15 S MAIN
City, ST Zip	PROVIDENCE, UT 84332-9786
District	009 PROVIDENCE CITY
Year	2014 Status NT
Property Address	
Address	
City	
Tax Rate	0.000000 (Tax Rate Non Taxable For 2014)

Owners List	
1	PROVIDENCE CITY CORP,
100000	0/0

LEGAL DESCRIPTION FOR 2014

SIT IN NW/4 SEC 10 T 11 N R 1E CONT 10.73 AC
 BEG SW COR LOT 11 BLK 27 PLT A PROVIDENCE FARM SVY TH N 02°27'34" W ALG FENCE LN 609.84 TO TRUE
 PT OF BEG TH N 88°18'52" E 272.48 FT TH N 88°18'52" E 385.37 FT (E385.95 FT BR) TO W R/W LN OF 200 W ST TH
 N0°39'53"W ALG SD W R/W LN 509.81 FT TO FENCE LN TH N 88°07'30" W ALG SD FENCE LN 217.71 FT(W 236 FT
 BR) TO FENCE LN INTERSECTION TH N 1°08'16" W ALG SD FENCE LN 186.9 FT (N 190 FT BR) TO S R/W LN OF
 100 N ST TH S 89°46'28" W ALG SD S R/W LN 427.28 FT TO FENCE LN TH S 0°27'36" W ALG SD FENCE LN 667.8 FT
 TO FENCE LN INTERSECTION TH S 2°27'34" E ALG FENCE LN 53.69 FT TO TRUE PT OF BEG CONT 9.73 AC
 ALSO BEG NE COR LOT 11 TH W ON S LN OF ST 236 FT TH S ON LINE PARALLEL WITH E LN OF SD LOT 190 FT
 TH E ON LINE PARALLEL WITH N LN OF SD LOT 236 FT TO W LN OF ST TH N ON W LN OF ST 190 FT TO BEG.
 CONT 1.00 AC CONT 10.73 AC TOTAL

PROPERTY INFORMATION

Property Type	Acres	2013 Market	Taxable	Acres	2014 Market	Taxable
---------------	-------	----------------	---------	-------	----------------	---------

BUILDING TAX INFORMATION

2013 Taxes:	0.00	(Non Taxable Rate: 0.000000)
2014 Taxes:	0.00	(Non Taxable Rate: 0.000000)
Special Tax: +	0.00	
Abatements: -	0.00	
Payments: -	0.00	
2014 Balance Due:	0.00	

BACK TAX SUMMARY

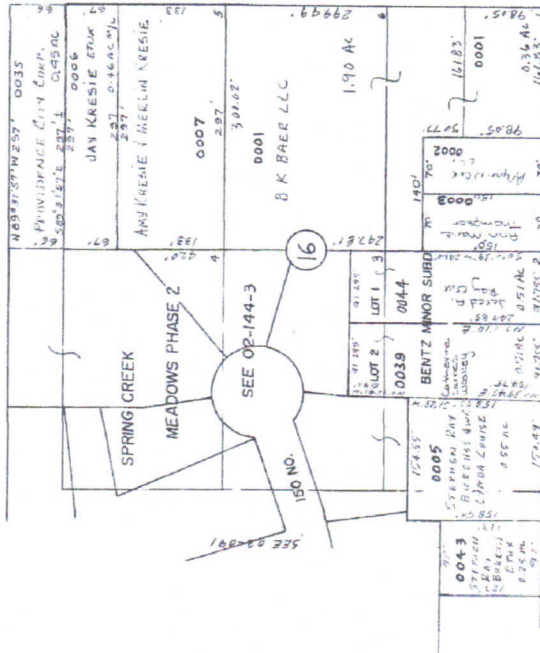
NO BACK TAXES

Signature - Cache County Treasurer/Deputy Treasurer

TAX UNIT 09

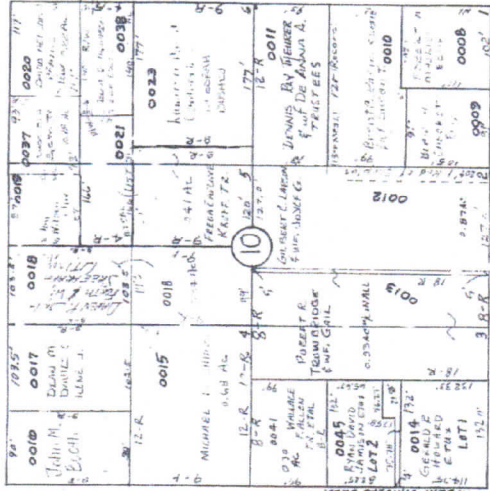
PLAT "A" PROVIDENCE TOWNSITE SURVEY

SEE 02-084-2



100 WEST ST.

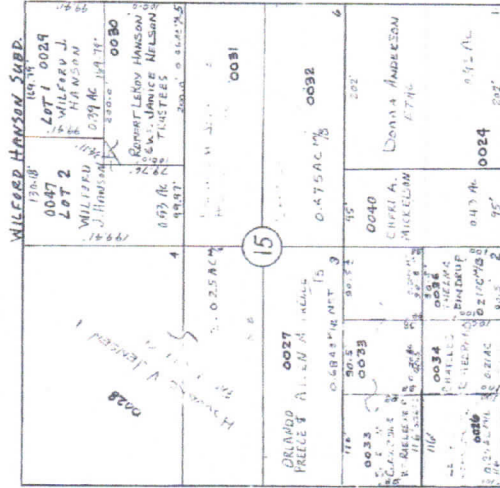
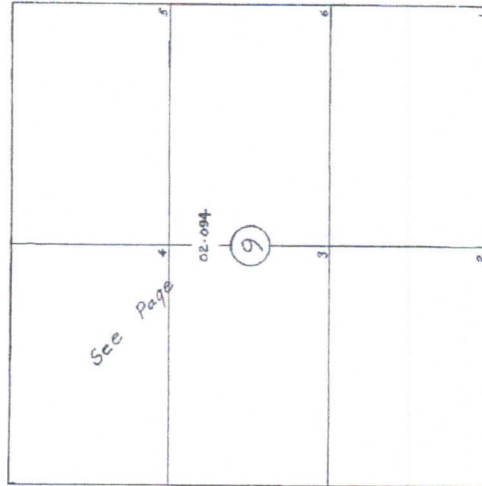
200 NORTH ST.



SEE 02-095

MAIN STREET

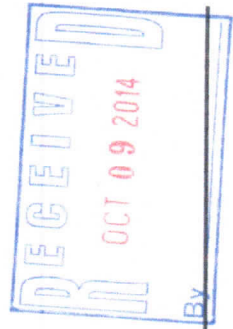
100 NORTH ST.



200 WEST ST.

CENTER STREET

SEE 02-097



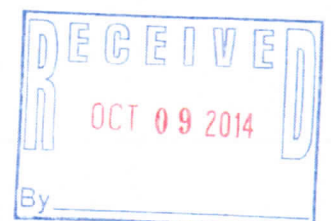
NAMES AND ADDRESSES OF "AFFECTED ENTITIES."

Cache County School District
2063 N 1200 E
North Logan, UT 84341

Utah State Government Transportation Department
2063 N 1200 E
North Logan, UT 84341

Providence City
15 S Main
Providence, UT 84332

Blacksmith Fork Water Company



Ordinance No. 009-2014

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 3 BUSINESS AND
LICENSE REGULATIONS CHAPTER 7 ALCOHOL LICENSE AND REGULATIONS

WHEREAS UCA § 10-3-702 states “The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- Providence City Attorney, Jon Call, has prepared the attached code amendment to provided clarification and consistency with Utah Code.
- The recommended changes essentially focus on the burden being put on the applicant to make sure they comply with state code.

THEREFORE be it ordained by the Providence City Council

- The following code amendment shall be approved based on the recommendation of the Providence City Attorney.
- This ordinance shall become effective immediately upon passage and posting.

Passed by vote of the Providence City Council this 13 day of January 2014.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of December 2014.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 7

ALCOHOL LICENSE AND REGULATIONS

SECTION:

3-7-1 Application of Title

3-7-2 Exercise of Police Powers

3-7-3 Policy

3-7-4 Definitions

3-7-5 Prohibited Locations for the Sale of Alcohol

3-7-6 License Required

3-7-7 Class "A" Beer License

3-7-8 Class "B" Limited Restaurant Alcohol License

3-7-9 Class "C" Full Service Restaurant Alcohol License

3-7-10 License Fees

3-7-11 Disqualifications of an Alcohol License

3-7-12 Procedure to Obtain a License

3-7-13 Permit from the Bear River Health Department

3-7-14 Bond

3-7-15 Terms and Conditions of License

3-7-16 Regulations

3-7-1 APPLICATION OF TITLE: This title governs alcoholic beverage control in Providence City. All licenses shall comply with the Utah Alcoholic Beverage Control Act, rules of the Utah Alcoholic Beverage Control Commission, and Providence City Code 3-7Alcohol License and Regulations. **The language contained in this code shall in no way excuse an applicant from knowing, understanding, and applying the rules regarding Alcoholic Beverages as promulgated by the State of Utah.**

3-7-2 EXERCISE OF POLICE POWERS: This title is an exercise of the police powers of the city for the protection of the public health, peace, safety, welfare, and morals and regulates the sale, service, storage, distribution, and consumption of alcoholic products.

3-7-3 POLICY: The policies of the city are:

A. The city may not promote or encourage the sale or consumption of alcoholic beverages. Providence City Code - Title 3 Business and License Regulations Chapter 7 Alcohol License and Regulations (Ordinance Modification 011-2004 03/23/04)

B. The city shall conduct, license, and regulate the sale of alcoholic beverages in a manner that:

1. reasonably satisfies the public demand and protects the public interest, including the rights of citizens who do not wish to be involved with alcoholic products; and
2. will promote the reduction of the harmful effects of over consumption of alcoholic beverages by adults and consumption of alcoholic beverages by minors.

1
2 3-7-4 DEFINITIONS: These definitions are intended to supplement any definitions
3 found in the Utah Code Title 32B. All definitions in Utah Code Title 32B are adopted
4 herein, and if any conflict between definitions is found the more restrictive interpretation
5 shall apply.

6 A. "Alcoholic beverages" means "beer" and "liquor" as the terms are defined in
7 this section.

- 8 1. "Alcoholic products" means all products that contain at least 63/100 of
9 1% of alcohol by volume or at least one-half ($\frac{1}{2}$) of one (1) percent by
10 weight, and are obtained by fermentation, infusion, decoction, brewing,
11 distillation, or any other process that uses any liquid or combinations of
12 liquids, whether drinkable or not, to create alcohol in an amount greater
13 than the amount prescribed in this Subsection.
14 2. "Alcoholic products" does not include common extracts, vinegars,
15 ciders, essences, tinctures, food preparations, or over-the-counter drugs
16 and medicines that otherwise come within this definition.
17

18 B. "Bar" means a counter or similar structure:

- 19 1. at which alcoholic beverages are stored or dispensed; or
20 2. from which alcoholic beverages are served.
21

22 C. "Beer" means any product that contains:

- 23 1. 63/100 of 1% of alcohol by volume or $\frac{1}{2}$ of 1% of alcohol by weight,
24 but not more than 4% of alcohol by volume or 3.2% by weight; and
25 2. is obtained by fermentation, infusion, or decoction of any malted grain.
26 3. Beer may or may not contain hops or other vegetable products.
27 4. Beer includes a product that:
28 (a) contains alcohol in the percentages described in Subsection (a);
29 a
30 (b) is referred to as malt liquor, malted beverages, or malt coolers.
31

32 D. "Church" means a building:

- 33 1. set apart for the purpose of worship;
34 2. in which religious services are held;
35 3. with which clergy is associated; and
36 4. which is tax exempt under the laws of this state.
37

38 E. "Heavy beer" is considered "liquor" for the purposes of this title and means
39 any product that:

- 40 1. contains more than 4% alcohol by volume; and
41 2. is obtained by fermentation, infusion, or decoction of any malted grain.
42

43 F. "Licensee" means any person issued a license by the city to sell, store, or allow
44 the consumption of alcoholic beverages on premises owned or controlled by the
45 person.
46

1 G. "Liquor" means alcohol, or any alcoholic, spirituous, vinous, fermented, malt,
2 or other liquid, or combination of liquids, a part of which is spirituous, vinous, or
3 fermented, and all other drinks, or drinkable liquids that contain more than ½ of
4 1% of alcohol by volume and is suitable to use for beverage purposes.

5 1. "Liquor" does not include any beverage defined as a beer, malt liquor,
6 or malted beverage that has an alcohol content of less than 4% alcohol by
7 volume.
8

9 H. "Person" means any individual, partnership, firm, corporation, limited liability
10 company, association, business trust, or other form of business enterprise,
11 including a receiver or trustee, and the plural as well as the singular number,
12 unless the intent to give a more limited meaning is disclosed by the context.
13

14 I. "Premises" means any building, enclosure, room, or equipment used in
15 connection with the sale, storage, service, distribution, or consumption of
16 alcoholic products, unless otherwise defined in this title.
17

18 J. "Restaurant" means any business establishment:

- 19 1. where a variety of foods is prepared and complete meals are served to
20 the general public;
21 2. located on a premises having adequate culinary fixtures for food
22 preparation and dining accommodations; and
23 3. that is engaged primarily in serving meals to the general public.
24

25 K. "Retailer" means any person engaged in the sale or distribution of alcoholic
26 beverages to the consumer.
27

28 L. "School" means any private or public building used primarily for the general
29 education of minors.

- 30 1. "school" does not include a nursery or pre-school, an infant day care
31 center, or a trade or technical school.
32

33 M. "Sell", "sale", and "to sell" means any transaction, exchange, or barter
34 whereby, for any consideration, an alcoholic beverage is either directly or
35 indirectly transferred, solicited, ordered, delivered for value, or by any means or
36 under any pretext is promised or obtained, whether done by a person as a
37 principal, proprietor, or as an agent, servant, or employee.
38

39 N. "Wine" means any alcoholic beverage obtained by the fermentation of the
40 natural sugar content of fruits, plants, honey, or milk, or any other like substance,
41 whether or not other ingredients are added.

- 42 1. "Wine" is considered "liquor" for purposes of this title.
43

44 3-7-5 PROHIBITED LOCATIONS FOR THE SALE OF ALCOHOL: No license
45 shall be granted to sell alcohol ~~within 200 feet of any church, school, public~~
46 ~~library, public playground, or public park measured in a straight line from the~~

1 ~~nearest public entrance of the proposed outlet to the nearest property boundary of~~
2 ~~the school, public library, public playground, or public park unless it strictly~~
3 ~~complies with the Utah Alcoholic Beverage Control Act found at Utah Code~~
4 ~~§32B-1-202, or other relevant provisions.~~
5

6 3-7-6 LICENSE REQUIRED: It shall be unlawful to sell alcohol, beer, heavy
7 beer, liquor, or wine without a license from the city.
8

9 3-7-7 CLASS "A" BEER LICENSE: A Class "A" beer license allows the licensee
10 to sell beer, not heavy beer, on the premises described in the license in original
11 containers for consumption off the premises.
12

13 3-7-8 CLASS "B" LIMITED RESTAURANT ALCOHOL LICENSE: A Class
14 "B" alcohol license allows the licensee to sell beer, heavy beer, and wine on the
15 premises described in the license for on-premise consumption. Only restaurants
16 where a variety of foods are prepared and complete meals are served to the
17 general public having adequate culinary fixtures for food preparation and indoor
18 dining accommodations, and at which food sales constitute seventy (70) percent
19 of the gross sales receipts of the licensee's restaurant may be considered for a
20 class "B" alcohol license. Further, no more than thirty (30) percent of the retail
21 floor area of the licensee's restaurant may be utilized as a bar.
22

23 3-7-9 CLASS "C" FULL SERVICE RESTAURANT ALCOHOL LICENSE: A
24 Class "C" full service restaurant alcohol license allows the licensee to sell beer,
25 heavy beer, liquor, and wine on the premises described in the license for on-
26 premise consumption. Only restaurants where a variety of foods are prepared and
27 complete meals are served to the general public having adequate culinary fixtures
28 for food preparation and indoor dining accommodations, and at which food sales
29 constitute seventy (70) percent of the gross sales receipts of the licensee's
30 restaurant may be considered for a class "C" alcohol license. Further, no more
31 than thirty (30) percent of the retail floor area of the licensee's restaurant may be
32 utilized as a bar.
33

34 3-7-10 LICENSE FEES:

35 A. There shall be a non-refundable one hundred dollar (\$100.00) fee, which shall
36 be paid at the time of application for an alcohol license which shall be applied
37 towards the fee for the alcohol license.

38 B. The fee for an alcohol license, which shall be in addition to any other fee or
39 charge imposed by the Providence City Code, shall be:

- 40 1. Class "A" beer license - \$250.00
- 41 2. Class "B" limited restaurant alcohol license - \$500.00
- 42 3. Class "C" full service restaurant alcohol license - \$750.00
43

44 3-7-11 DISQUALIFICATIONS OF AN ALCOHOL LICENSE: No alcohol license of
45 any class shall be issued to any manager or supervisory employee convicted of a felony
46 as defined by the Utah Alcoholic Beverage Control Act.

1
2 3-7-12 PROCEDURE TO OBTAIN A LICENSE: Applicants for an alcohol license shall
3 submit a properly completed application form and the appropriate licensing fee to the
4 business license department. The application shall be forwarded to the court clerk, who
5 shall endorse thereon whether the applicant or owner(s) has been convicted of the
6 disqualifying acts described above in this chapter. In determining whether any such
7 disqualifying act has been committed, a criminal history check of the applicant shall be
8 completed, including a Utah criminal history check. A material error or omission in the
9 information given on the application form may be the basis for disapproving an
10 application, and no application disapproved for such reason shall be reconsidered for six
11 (6) months. If the endorsement of the court clerk does not show the commission of a
12 disqualifying act, and the issuance of the requested license is otherwise consistent with
13 applicable law, the licensing clerk shall approve the application and a license shall be
14 issued. If the endorsement of the court clerk shows the commission of a disqualifying act,
15 or if the issuance of the requested license would otherwise violate applicable law, the
16 licensing clerk shall disapprove the application and a license shall not be issued.

17 Providence City Code - Title 3 Business and License Regulations

18
19 3-7-13 PERMIT FROM THE BEAR RIVER HEALTH DEPARTMENT: An applicant
20 may be required to procure from the Bear River Health Department a permit which shall
21 show that the premises to be licensed are in a sanitary condition and that the equipment
22 used in the storage, distribution, or sale of alcohol complies with all health regulations of
23 Providence City and of the State of Utah; and on recommendation of the health
24 department, any license issued may be revoked or suspended when any reasonable order,
25 rule, or regulation of the health department has not been complied with.

26
27 3-7-14 BOND: An applicant for an alcohol license shall file a cash or corporate bond in
28 the amount of \$1,000 guaranteeing faithful performance of the provisions of this chapter
29 in favor of Providence City. In the event a license is revoked for a violation of the
30 provisions of this chapter, the bond shall be forfeited (without any showing of damage or
31 loss) to Providence City.

32
33 3-7-15 TERMS AND CONDITIONS OF LICENSE: All alcohol licenses shall be for the
34 term of one (1) year, from the first day of July to the last day of June, unless sooner
35 revoked. Licenses issued under this chapter shall not be transferable. An alcohol license
36 may be revoked for any violation of this chapter demonstrated at an administrative
37 hearing before the Providence City Council. A license issued pursuant to this chapter
38 shall be displayed at all times on the licensed premises in a place readily visible to the
39 public. License fees shall not be refunded, except in the event the State of Utah denies a
40 state license to sell alcohol. In such event and upon request by the applicant, any license
41 fee paid shall be refunded except for the one hundred dollar (\$100.00) non-refundable fee
42 required by Providence City Code 3-7-10.

43
44 3-7-16 REGULATIONS: It shall be unlawful and shall constitute an offense of strict
45 liability to violate any of the following; any one (1) of which shall constitute a sufficient
46 basis for revoking an alcohol license:

1 A. Alcohol shall not be sold or dispensed in any billiards hall, bowling alley,
2 dance hall, sexually-oriented business, or theater or within 200 feet of any church,
3 school, public library, public playground, or public park measured in a straight
4 line from the nearest public entrance of the proposed outlet to the nearest property
5 boundary of the school, public library, public playground, or public park.

6
7 B. Alcohol shall not be sold or dispensed from any drive-up window.

8
9 C. Alcohol shall not be sold by or to any intoxicated person or any person less
10 than twenty-one (21) years of age.

11
12 D. No person shall obtain an alcohol license who has committed one (1) or more
13 of the disqualifying acts described in Providence City Code 3-7-11.

14
15 E. No person shall make any false or misleading statement on an application for
16 an alcohol license.

17
18 F. No alcohol license of any class shall be issued to any manager or supervisory
19 employee convicted of a felony as defined by the Utah Alcoholic Beverage
20 Control Act.

21
22 G. No owner, manager, or employee at a licensed premises shall consume or be
23 under the influence of alcohol while on duty (including "breaks").

24
25 H. Days and hours of sale:

- 26 1. A class "A" beer license has no restriction for days or hours of sale.
27 2. A class "B" limited restaurant alcohol license and a class "C" full
28 service restaurant alcohol license are restricted by the Utah Alcoholic
29 Beverage Control Act for hours of sale. No restriction on days of sale shall
30 apply.

31
32 I. All licensed premises shall be subject to inspection by any officer, agent, or
33 peace officer of Providence City at any time during open business hours.

34
35 **3-7-17 ACKNOWLEDGEMENT OF COMPLIANCE WITH UTAH CODE: It is**
36 **required that each applicant acknowledge that they have read and understand the Utah**
37 **Alcoholic Beverage Control Act as it relates to their particular business upon their**
38 **Alcoholic Beverage License. Providence City shall in no way be held liable for issuing a**
39 **license under 3-7 which violates state code. Any license so issued shall be forfeited**
40 **immediately upon the notification of the violation of any state code provision found in**
41 **Utah Code Title 32B or provision of this code.**
42

Ordinance No. 2015-002

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 1 ADMINISTRATION, CHAPTER 6 MAYOR AND COUNCIL.

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS UCA § 10-3-502(1) states "The council of each municipality shall: (a) by ordinance prescribe the time and place for holding its regular meeting, subject to Subsection (1)(b); and (b) hold a regular meeting at least once each month."

- Providence City staff has prepared the attached code amendment that prescribes the time and place for holding regular council meetings and also addresses the following:
 - Form of Government
 - Eligibility and Residency Requirements
 - Membership; Terms
 - Mayor in Six-Member Council
 - Mayor Pro Tempore
 - Council in Six-Member Council
 - Meetings; Procedure and Conduct
 - Ordinances and Resolutions; Procedures

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be adopted; and
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 13 day of January 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 6
MAYOR AND CITY COUNCIL

SECTION:

1-6-1: ~~Meetings using Electronic Connection~~ Form of Government

1-6-2: Eligibility and Residency Requirements

1-6-3: Membership; Terms

1-6-4: Mayor in Six-Member Council

1-6-5: Mayor Pro Tempore

1-6-6: Council in Six-Member Council

1-6-7: Meetings; Procedure and Conduct

1-6-8: Ordinances and Resolutions; Procedures

1-6-1: FORM OF GOVERNMENT:

A. Providence City operates under the six-member form of government.

B. The powers of municipal government are vested in a council consisting of six members, one of which is a mayor.

1-6-2: ELIGIBILITY AND RESIDENCY REQUIREMENTS: Members of the City Council must meet the eligibility and residency requirements pursuant to Utah Code Title 10 Chapter 3 and Title 20A.

1-6-3: MEMBERSHIP; TERMS:

A. The offices of mayor and two council members shall be filled in municipal elections held in 1977. The terms shall be for four years. These offices shall be filled every four years in municipal elections.

B. The office of the remaining council members shall be filled in a municipal election held in 1979. The terms shall be for four years. These offices shall be filled every four years in municipal elections. (UCA 10-3-205(2))

C. Mayoral or council vacancies shall be filled as provided in UCA 20A-1-510.

1-6-4: MAYOR IN SIX-MEMBER COUNCIL:

A. The mayor in a six-member council is a nonvoting member of the council, except as follows:

1. On each matter for which there is a tie vote of the other council members present at a council meeting; or
2. When the council is voting on:
 - i. Whether to appoint or dismiss a municipal manager; or
 - ii. An ordinance that enlarges or restricts the mayor's powers, duties, or functions.

B. The Mayor:

1. Is the chair of the council and presides at all council meetings;
2. Exercises ceremonial functions for the city;
3. May not veto an ordinance, tax levy, or appropriation passed by the council;
4. Except as modified by ordinance under UCA 10-3b-303(2), has the powers and duties described in UCA 10-3b-104; and
5. May, within budget constraints, appoint one or more administrative assistants to the mayor.

1-6-5: **MAYOR PRO TEMPORE:** If the mayor is absent or unable or refuses to act, the council may elect a member of the council as mayor pro tempore, to preside as a council meeting and perform, during the mayor's absence, disability or refusal to act, the duties of mayor. The city recorder shall enter in the minutes of the council meeting the election of a council member as mayor pro tempore.

1-6-6: **COUNCIL IN SIX-MEMBER COUNCIL:** The council is the legislative body of the municipality. The council exercises the legislative powers and performs the legislative duties and function of the municipality; and other duties in accordance with UCA 10-3b-105.

1-6-7: MEETINGS; PROCEDURE AND CONDUCT:

A. Regular Meetings:

1. The City Council may hold two (2) regular meetings which shall be held on the second or fourth Tuesday of each month at the Providence City Office.
2. At a minimum, the City Council shall hold one (1) meeting each month.
3. Meetings shall begin at 6:00 P.M.
4. The City Council may by vote provide for a different time and place for holding a meeting, if a majority of those voting deem it to be in the best interest of the citizens.

B. Special Meetings: The mayor or two council members may order the convening of a special meeting of the council pursuant to Utah Code.

C. Open Meetings: Every meeting is open to the public unless closed pursuant to Utah Code Title 52.

D. Quorum Defined: The number of council members necessary to constitute a quorum is three, excluding the mayor.

E. Meetings using Electronic Connection:

1. Member(s) of the Providence City Council may attend meetings through a teleconference connection.
2. Meetings using an electronic connection shall meet the requirements listed in Utah Code 52-4-207(3).

F. Providence City Council Bylaws: The Providence City Council shall adopt rules of order and procedure to govern a public meeting of the City Council. These rules of order shall be known as the Providence City Council Bylaws.

1-6-8: **ORDINANCES AND RESOLUTIONS; PROCEDURES:** Providence City Council adopts ordinances and resolutions in accordance with UCA 10-3-7. In accordance with UCA 10-8-84, the Providence City Council may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by UCA Title 10 Chapter 8, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City. The Providence City Council may enforce obedience to the ordinances with fines or penalties in accordance with UCA 10-3-703

Ordinance No. 2015-003

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 4 CHAPTER 1 NUISANCES

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- At the request of the City Council, the Providence City staff has prepared the attached code amendment including but not limited to adding: Words, Terms, and Phrases; amending Duty of Maintenance of Private Property by adding requirements regarding ditches, waterways, and compost piles; amending Storage of Personal Property by adding: outdoor furniture restrictions, and unsheltered inoperable motor vehicle restrictions.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved;
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 13 day of January 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 1

NUISANCES

SECTION:

4-1-1: Nuisances Defined; Declaration

4-1-2: Nuisances on Property

4-1-3: Abatement Procedure

4-1-1: **NUISANCES DEFINED; DECLARATION:**

- A. **DEFINITION:** Pursuant to Utah Code 78B-6-1101. A nuisance is anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. A nuisance may be the subject of an action. (Ordinance No 014-2008, 11/11/2008)
- B. **AUTHOR DEFINED:** Where a nuisance exists upon property and is the outgrowth of the usual, natural, or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors. (1977 Code § 10-312)
- C. **DECLARATION OF NUISANCE:** Made, Permitted or Allowed: Every act or condition made, permitted, allowed or continued in violation of Section 4-1-1 of this Chapter, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided. Included Nuisances: Nuisances include, but are not limited to:
1. **Befouling Culinary Water:** Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
 2. **Privies, Cesspools, Septic Tanks:** Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors or contamination to air or water.
 3. **Garbage Containers, Offensive:** Permitting any garbage container to remain on premises when it has become unclean and offensive.
 4. **Garbage Accumulation:** Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area.
 5. **Manure Accumulation:** Permitting the accumulation of manure in any stable, stall, corral, feed yard, kennel, or in any other building or area in which any animals are kept.
 6. **Slaughterhouses, Feed Yards:** Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
 7. **Discharging Offensive Water or Liquid Waste:** Discharging or placing any offensive

water, chemical spray, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which, as the result of continued discharge, will render the place of discharge offensive or likely to become so.

8. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.
9. Flies and Mosquitoes: Having or permitting upon any premises any fly or mosquito-producing condition.
10. Ablutions near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.
11. Boarding House or Factory, Sanitary Condition: Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
12. Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the City.
13. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
14. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council. (1977 Code § 10-313)

D. ENUMERATION OF NUISANCES: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this Chapter. (1977 Code § 10-314)

E. RESTROOM OR SEWER FACILITIES: All restroom or sewer facilities shall be constructed and maintained in accordance with Utah law and City ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed. (1977 Code § 10-315; 1998 Code)

F. RESTRICTIONS ON BLOCKING WATER:

1. Obstructions: It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow there from, or to become unsanitary.
2. Subject to Abatement: Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (1977 Code § 10-316)

4-1-2: **NUISANCES ON PROPERTY:**

A. **DEFINITION:** For the purpose of this Section, the term “nuisance” is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

1. Lumber, junk, trash or debris.
2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, machinery, canisters or automobiles, or other discarded items not currently in use. (1977 Code § 10-331; 1998 Code)

B. **WORDS, TERMS AND PHRASES:** The following words, terms and phrases, when used in this Chapter, shall have the meanings:

Brush Pile	An accumulation of cuttings or dead portions of trees and shrubs.
Nuisance Officer	The Providence City Nuisance Officer or a designated representative of the Nuisance Officer.
Compost	A mixture consisting of decayed organic matter used for fertilizing and conditioning soil.
Ditch	Any channel, either man-made or natural, to carry water for drainage or irrigation, including its access and/or maintenance easement on either side.
Owner or Occupant	The owner of record or any agent or representative of such owner and any person entitled, by lease or tenancy, to possession of the premises.
Property	In addition to the owner’s lot or tract of land whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easement of record, and the sidewalk, curb, gutter and parking area of any street abutting such lot or tract of land.
Refuse	Solid and liquid wastes, except hazardous wastes, whether decayable or non-decayable, combustible, or noncombustible, organic or inorganic, including but not limited to wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans yard clippings, glass, rags, discarded clothes or wearing apparel of any kind or any other discarded object not

exceeding three (3) feet in length, width, or breadth.

Rubbish

Non-decayable solid wastes of a large size, including but not limited to large pieces of wood, large cardboard boxes or parts, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, junked or abandoned motor vehicle bodies or parts, scrap metal, bedsprings, water heaters, discarded furniture and all other household goods or items, demolition material, used lumber and other discarded or stored objects three (3) feet or more in length, width, or breadth.

Unsheltered

Located outside a garage or other building in such a manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way.

Weed

An aggressive, non-native herbaceous plant detrimental to native plant communities or agricultural lands and any other type of noxious weeds designated by the Utah Noxious Weed Act as amended or Cache County Weed District.

Yard

The open space between buildings and property lines at the front, rear, and sides of a property.

C. **DUTY OF MAINTENANCE OF PRIVATE PROPERTY:** No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (1977 Code § 10-332)

1. No owner or occupant of any premises which are adjacent to any portion of a ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse, rubbish or storage of any material within or upon such adjacent areas.
2. An occupant of a residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. Any such compost pile shall be so maintained to prevent it becoming a nuisance by putrefying or attracting insects or animals.

D. **OUTDOOR STORAGE OF PERSONAL PROPERTY:** Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or

more (except in licensed junk yards) that is visible from a public right-of-way, public street, sidewalk, or alley within the City is hereby declared to be a nuisance and dangerous to the public safety. (1977 Code § 10-333)

1. **Outdoor furniture restrictions.** Keeping upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to passersby in the public right-of-way, public street, sidewalk, or alley is hereby declared to be a nuisance. Accordingly, no person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way, public street, sidewalk or alley, and no property manager shall knowingly permit any such activity to occur on property owned or managed by such person. The following shall constitute specific defenses to any alleged violation of this Section:
 - a. That such furniture was placed in the location in question in order to allow it to be moved during a move of a resident or residents of the premises or has been removed as part of a trash or recycling program on a day scheduled for such moving or removal.
 - b. That such furniture was temporarily placed in the location in question in order that it be offered for sale at a yard or garage sale if each of the following conditions exists: provided, however, that this defense shall not apply if upholstered furniture is located in as outside location for more than two (2) days in any six-month period.
 - c. The furniture is located in an outside location only between the hours of 7:00 a.m. and 5:00 p.m.;
 - d. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale; and
 - e. A sign is place on or near the furniture indicating that it is for sale.
2. **Unsheltered inoperable motor vehicle prohibited.** The unsheltered storage of an inoperable motor vehicle for sixty (60) days or more on private property in a manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way is prohibited. The inoperable motor vehicle, shall be located in a garage or other fully enclosed building or placed behind screening of sufficient size, strength and density, such as a solid fence, trees or shrubbery to screen it from public view of a person standing upon any public street, alley, sidewalk, or right-of-way.
 - a. **Exceptions.** This Section does not apply to any person who is conducting an automobile sales, storage, or repair enterprise operated in compliance with existing zoning regulations, when the storage is necessary to the operation of such business enterprise. These exceptions for certain lawfully conducted business enterprises are affirmative defenses to be pled and proved by the defendant in any judicial proceedings under this Chapter.
 - b. **Public nuisances not exempt.** Nothing in this Section shall be construed to permit exempt or sheltered storage of inoperable motor vehicles to be conducted in such manner as to constitute a public nuisance under other provisions of this Chapter, including without limitation allowing the

accumulation of refuse and rubbish and growth of weeds and brush in and about the storage area, breeding of insects and rodents or direct danger to persons from broken glass, sharp metal protrusions, insecure mounting on blocks, jacks, or supports or explosion hazard.

- c. Removal. The owner and the occupant of the private property on which the unsheltered storage is occurring and the owner of the inoperable motor vehicle in question are jointly and severally responsible to abate the nuisance. Every person who fails, neglects, or refuses to abate the nuisance is also guilty of a Class C Misdemeanor. A separate offence shall be deemed committed on each day during or on which a violation occurs or continues. The imposition of any sentence does not exempt the offender from compliance with the requirements of this Chapter. No person, after abatement notification has been given, shall move the inoperable motor vehicle in question, to any other private property upon which storage of such vehicle is not permitted or onto any public property or right-of-way.

- E. ABATEMENT BY OWNERS: The owner, owners, tenants, lessees or occupants of any lot within the City on which such "storage", as defined in Section 4-1-2-3 of this Chapter, is made, and also the owner, owners or lessees of the above described personal property involved in such storage, shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured yards or buildings to be used for such purposes, or otherwise remove such property from the City. (1977 Code § 10-334)

4-1-3: **ABATEMENT PROCEDURE:**

A. APPOINTMENT AND DUTIES OF NUISANCE OFFICER:

1. Appointment: There is hereby established the position of Nuisance Officer whose duties shall be to enforce the provisions of this Chapter. Until another person is designated, the contracted law enforcement agency shall enforce the provisions of this Chapter. More than one person may be appointed to act as Nuisance Officer under this Section.
2. Duties: The Nuisance Officer is authorized to:
 - a. Perform all functions necessary to enforce the provisions of this Chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this Chapter.
3. Existence of Objectionable Condition: If ~~he~~ the Nuisance Officer concludes there exists an objectionable condition in violations of this Chapter, the Nuisance Officer shall

- 1 a. Ascertain the names of the owners and occupants and descriptions of
2 the premises where such objects and conditions constituting a nuisance
3 exist.
- 4 b. Serve notice in writing upon the owner and occupant of such premises,
5 either personally or by mailing notice prepaid, addressed to the owner
6 and occupant at their last known post office addresses as disclosed by
7 the records of the County Assessor, or as otherwise ascertained,
8 requiring such owner or occupant, or both, as the case may be, to
9 eradicate or destroy and remove the nuisance within such time as the
10 Nuisance Officer may designate; provided, that any person notified
11 pursuant to this subsection shall be given at least ten (10), but not more
12 than twenty (20) days, as determined by the Nuisance Officer following
13 the date of service of such notice, to correct the objectionable
14 condition. The notice shall:
- 15 i. Contain a specific statement of the nature of the violation and
16 generally describe the premises on which the violation exists.
- 17 ii. Inform the owner, occupant or other person that in the event
18 ~~he~~ they disagrees with the determination of the Nuisance
19 Officer and does not wish to comply with the provisions of the
20 notice or that he objects to the factual or legal basis for the
21 notice, ~~he~~ they may request in writing a hearing before the City
22 Council at a time and place to be set by the City Council. A
23 written application for a hearing shall state the time within
24 which the person must conform to the provisions of the notice.
- 25 iii. Inform the person that in the event ~~he~~ they fails or neglects to
26 correct the objectionable condition, the City will correct the
27 objectionable condition and will collect the costs of so
28 correcting the objectionable condition by either a court action,
29 in which case ~~he~~ they will be assessed such costs, together with
30 reasonable attorney fees and court costs, or will charge the cost
31 of correcting the violation against the property as a tax.
- 32 iv. In the event the owner or occupant makes such request for a
33 hearing, the City Council shall set the time and place for the
34 hearing objections and the City Recorder shall notify the owner,
35 occupant or other persons having an interest in said property on
36 the condition thereof in writing of the time and place at which
37 they may appear and be heard. The hearing shall be heard
38 within less than five (5) days from the date of service or mailing
39 of the notice of hearing. (1977 Code § 10-351; 1998 Code)

40
41 B. HEARING:

- 42 1. Informal Hearing; Written Decision: At the written request of an owner,
43 occupant or other person having an interest in property which is the subject of a
44 notice to remove or abate weeds, objectionable conditions or objects from the
45 property, the City Council shall conduct an informal hearing (which need not be
46 reported), wherein such persons may present such evidence and argument as is
47 pertinent to the question of whether or not the removal or abatement of the
48 objects or conditions is properly within the purview of this Chapter. The City

Council shall also permit the presentation of evidence and argument by the Nuisance Officer and other interested parties. Thereafter within not less than five (5) nor more than ten (10) days, the City Council shall, over the signature of the Mayor, or such other member of the City Council as it may designate, render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the Nuisance Officer.

2. Notice of Decision; Abatement By Owner Or Occupant: In the event the decision of the City Council upholds the determination of the Nuisance Officer, the notice originally given by the Nuisance Officer as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the Nuisance Officer.

3. Time Period for Compliance: In the event that the decision of the City Council either overrules or modifies the determination of the Nuisance Officer, the written decision of the City Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the City Council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the Nuisance Officer, unless additional time is authorized by the City Council.

4. Filing of Amended Notice: The nuisance Officer shall file an amended notice and proof of service of notice and file the same in the office of the County Treasurer. (1977 Code § 10-352)

C. FAILURE TO COMPLY; ABATEMENT BY CITY: If any owner, occupant or other person having an interest in land described in such notice of decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects or structures, the Nuisance Officer shall employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the City. (1977 Code § 10-353)

D. ITEMIZED STATEMENT: The Nuisance Officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant, or both, or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail, addressed to the last known address of the property owner, occupant or persons having an interest in the property. (1977 Code § 10-353)

E. FAILURE TO MAKE PAYMENT: In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the City Treasurer within the twenty (20) days, the Nuisance Officer may either cause suit to be brought in an appropriate court of law or may refer the matter to the County

1 Treasurer as provided in this Chapter. (1977 Code § 10-355)

2
3 F. COLLECTION BY LAWSUIT: In the event collection of expenses of destruction and
4 removal are pursued through the courts, the City shall sue and receive judgment for all
5 of said expenses of destruction and removal, together with reasonable attorney fees,
6 interest and court costs, and shall execute upon such judgment in the manner provided
7 by law. (1977 Code § 10-356)

8
9 G. COLLECTION THROUGH TAXES: In the event that the Nuisance Officer elects to refer
10 the expenses of destruction or removal to the County Treasurer for inclusion in the
11 tax notice of the property owner, he shall make in triplicate an itemized statement of all
12 expenses incurred in the destruction and removal of the same, and shall deliver three
13 (3) copies of the statement to the County Treasurer within ten (10) days after the
14 completion of the work of destroying or removing such weeds, refuse, garbage
15 objects, or structures. Thereupon, the costs of the work shall be pursued by the County
16 Treasurer in accordance with the provisions of Utah Code Annotated section 10-11-4, as
17 amended, and the recalcitrant owner shall have such rights and shall be subject to such
18 powers as are thereby granted. (1977 Code § 10-357)

19
20 H. CRIMINAL PROCEEDING: The Commencement of criminal proceedings for the purpose
21 of imposing penalties for violations of this Chapter shall not be conditioned upon prior
22 issuance of a notice or the granting to the defendant an opportunity to abate or remove
23 the nuisance. The provisions of this Chapter relating to notice and abatement shall be
24 deemed merely alternative and additional methods of securing conformity to the
25 provisions of this Chapter. (1977 Code § 10-358)

26
27 I. PENALTY FOR FAILURE TO COMPLY:

- 28 1. Class C Misdemeanor: Any owner, occupant or person having an interest in
29 property subject to this Chapter who shall fail to comply with the notice or
30 order given pursuant to this Chapter shall be guilty of a Class C misdemeanor
31 and subject to penalty as provided in Section 1-4-1 of this Code for each offense,
32 and further sum of twenty-five dollars (\$25.00) for each and every day such
33 failure to comply continues beyond the date fixed for compliance.
34 2. Criminal Proceedings: Compliance by any owner, occupant or person to whom
35 a notice has been given subsequent to the commencement of criminal
36 proceedings as provided in this Chapter shall not be admissible in any criminal
37 proceeding brought pursuant to this Section. (1977 Code § 10-359)



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January 13, 2015

Staff Report – Skarlet Bankhead

Public Safety

Dog Licenses:

Dog license renewals began December 1.

December 2014	December 2013	December 2012
213 renewals	162 renewals	172 renewals

Community Development

Business Licenses:

Business Type	December 2014	December 2013	December 2012
Home businesses	56 renew/129 total	0 new / 43 renew	0 new / 39 renew
Commercial business	23 renew/73 total	2 new / 34 renew	0 new / 34 renew
Transient	2 Active	0	0
Solicitor	7 Active	0	0

Planning Commission:

- Held a public hearing to receive public comment on a rezone request by Carol Fae Jensen Wilde to rezone a 2.03 acre parcel located at 196 West 100 North from Single-Family Traditional to Commercial.
- Made a recommendation to the City Council to deny a rezone request by Carol Fae Jensen Wilde to rezone a 2.03 acre parcel located at 196 West 100 North from Single-Family Traditional to Commercial.
- Reviewing proposed amendments to Providence City Code 10-8-5: Commercial Zoned Districts; Site Development and 10-8-6: Parking Regulations.
- Reviewing nuisances on property in regards to back yards.

Development Review Committee:

- Reviewing the following:
 - Zoning for parks Land Use Authority

Historic Preservation Commission:

- Did not meet in December

Appeal Authority:

- Did not meet in December.

Finance and Records

Sales Tax Revenue

December 2014	December 2013	December 2012
\$65,971.67	\$66,473.18	\$62,713.33

Justice Court

	December 2014	December 2013	December 2012
Traffic cases filed:	149	102	101
Traffic cases disposed:	108	66	88
Criminal misdemeanor cases filed	3	3	8
Criminal misdemeanor cases disposed	3	0	3
Small claims filed:	4	0	0
Small claims trials:	1	0	0
Small claims settled/dismissed:	4	0	0
Small claims default judgment:	0	0	0
Fines and forfeitures collected:	\$4,505.59	\$3,240.09	\$3,469.69
Surcharge collected:	\$903.29	\$942.44	\$939.40
Fees/costs/contempt fines:	\$230.00	\$0.00	\$320.60
Security charge collected:	\$1,269.12	\$994.47	\$1,303.81
Total revenue collected:	\$6,908.00	\$5,177.00	\$6,033.50
Revenue disbursed to State for surcharges:	\$2,007.93	\$1,777.80	\$2,034.59
Revenue retained:	\$4,900.07	\$3,99.20	\$3,998.91
Disbursed to Millville:	\$270.54	203.89	\$306.58
Disbursed to River Heights:	\$467.80	157.97	\$125.38

Recreation:

- Reindeer Run and Santa were held December 13
- Park reservations started January 2.

Cemetery:

	December 2014	December 2013	December 2012
Burials paid	2	4	5
Spaces Sold - Resident	0	0	0
Spaces Sold – Non-Resident	0	0	0

Website/Social Media

- If there is something you would like to have on the web site, or a message you would like sent via Facebook or Twitter, please send me an email.